

REMARKS/ARGUMENTS

Claims 2-10 and 27-32 are pending. Claim 2 has been amended for proper dependency. Claim 31 has been amended for clarity. Claim 7 has been amended for clarity. Claim 32 has been cancelled. The claim amendments are presented in a revised format per the USPTO's announcement 'Amendments in a Revised Format Now Permitted', dated 31 January 2002. Accordingly, a complete listing of all claims that are, or were in the application, along with an appropriate status identifier, is provided above in the section entitled "Amendments to the Claims".

Claim objections

Claim 2 has been objected to under 37 C.F.R. 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants have altered the dependency of claim 2 to overcome this objection. Applicants respectfully request the withdrawal of this objection.

Claims 7 and 8 are objected to under 37 C.F.R. 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. Applicants have amended claim 7 to refer to claims in the alternative. Therefore, now both claims 7 and 8 are in condition for allowance. Applicants respectfully request the withdrawal of this objection.

Claim 31 is objected to because the period is missing at the end of the claim. Applicants have amended claim 31 to add the period to the end of the claim. Claim 31 is now in condition for allowance. Applicants respectfully request the withdrawal of this objection.

Claim rejections based under 35 U.S.C § 112

Claims 29, 2-6, 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

The Examiner states that claim 29 is indefinite over the recitation of "said population comprising at least first and second populations comprising at least first and second different oligonucleotides of known sequence" part (a) because it is not clear whether both first and the second subpopulations comprise both first and second oligonucleotides, or whether the first subpopulation comprises only the first oligonucleotides and the second subpopulation comprises only the second oligonucleotides. Applicants have amended claim 29 for technical clarity, from which all other claims depend. The claims are now in condition for allowance. Applicants respectfully request the withdrawal of the rejection.

Double Patenting rejection


Claim 32 is objected to under 37 C.F.R. 1.75 as being as being a substantial duplicate of claim 9. Applicants have taken the Examiner's suggestion and cancelled claim 32 to overcome this rejection. Applicants respectfully request the withdrawal of the rejection.

Applicants respectfully submit that the claims are now in condition for allowance and early notification to that effect is respectfully requested. If the Examiner feels there are further unresolved issues, the Examiner is respectfully requested to phone the undersigned at (415) 781-1989.

Respectfully submitted,

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